

Attorney Docket No.: 5573.210-US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peschke et al.

Application No.: 09/356,313

Group Art Unit: 1653

Filed: July 16, 1999

Examiner: D. Lukton

For: Compounds With Growth Hormone Releasing Properties

## RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This paper is being filed in response to the Office Action mailed January 19, 2000 which made restriction and election of species requirements. Applicants were requested to elect one of 32 designated groups. The first eight groups are drawn to various compounds; the second eight groups are drawn to method-of-use claims 13, 14 and 18; the third eight groups are drawn to method-of-use claim 16; and the last eight groups are drawn to method-of-use claim 17. The Examiner states that "if one of Groups 1-8 is elected, and claims therein found allowable, the method-of-use claims will be rejoined therewith, subject to the same limitations. (Office Action, p. 4).

In response to these requirements, Applicants hereby elect with traverse the invention of **Group 1**, and the species of Example 15. Claims 1-3, 5-8, 10-12 and 15 read thereon. Applicants hereby reserve the right to file continuing applications directed to the nonelected subject matter.

The basis for traverse is that there would not be a serious burden on the Examiner to examine the entire application on the merits.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: February 4, 2000

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